

AMENDMENTS TO THE CLAIMS:

The following listing of claims replaces all prior versions and listings of claims in this application.

LISTING OF CLAIMS:

1. (Currently Amended) A capless writing instrument, wherein a writing element is arranged inside a barrel cylinder so that a pen point of the writing element can come out and retract through a front end opening of the barrel cylinder,

~~characterized in that~~ wherein an inner cap formed of rubber or elastic resin is provided at the front end opening of the barrel cylinder, and the inner cap is composed of: a closing portion disposed on the pen point projecting side with respect to the axial direction of the barrel cylinder for closing the front end opening and having a slit for allowing the pen point to project and retract; and forward projected portions that are projected from the outer periphery of the closing portion toward the front end opening, and projections are formed on the outer periphery of the forward projected portions or on the inner surface of the barrel cylinder opposing and in contact with the outer periphery of the forward projected portions, so that, in the slit closed state, force which is directed approximately perpendicular to the slit surfaces will act inward from the outer periphery of the forward projected portions by the function of the projections;

wherein when the inner cap is not positioned in the inner end of the barrel cylinder the inner cap has a first position where the forward projected portions are a first distance apart from one another thereby creating a first force in a direction perpendicular to the surfaces of the slits, and when the inner cap is positioned in the

end of the barrel cylinder the inner cap has a second position where the forward projected portions are a second distance apart from one another thereby creating a second force in a direction perpendicular to the surfaces of the slits, the second distance being smaller than the first distance, and the second force being larger than the first force.

2. (Canceled)

3. (Canceled)

4. (Canceled)

5. (Currently Amended) A capless writing instrument, wherein a writing element is arranged inside a barrel cylinder so that a pen point of the writing element can come out and retract through a front end opening of the barrel cylinder, characterized in that wherein an inner cap formed of rubber or elastic resin is provided at the front end opening of the barrel cylinder, and the inner cap is composed of: a closing portion disposed on the pen point projecting side with respect to the axial direction of the barrel cylinder for closing the front end opening and having a slit for allowing the pen point to project and retract; a cylinder portion formed to the rear from the outer periphery of the closing portion; and a holder disposed in the rear of the cylinder portion and fitted into the cylinder portion so as to spread the cylinder bore, and the inner cap is fitted inside the barrel cylinder so that stress that will constantly cause the slit to close always acts on the closing portion;

and a holder disposed in the rear of the cylinder portion and fitted into the cylinder portion so as to spread the cylinder bore, and the inner cap is fitted inside the barrel cylinder so that the stress that will constantly cause the slit to close always acts on the closing portion;

wherein when the inner cap is not positioned in the inner end of the barrel cylinder the inner cap has a first position where the forward projected portions are a first distance apart from one another thereby creating a first force in a direction perpendicular to the surfaces of the slits, and when the inner cap is positioned in the end of the barrel cylinder the inner cap has a second position where the forward projected portions are a second distance apart from one another thereby creating a second force in a direction perpendicular to the surfaces of the slits, the second distance being smaller than the first distance, and the second force being larger than the first force.

6. (Original) The capless writing instrument according to Claim 5, wherein the cylinder bore of the inner cap is stretched in the diametrical direction by the range of 5 to 30%, preferably approximately 20%.

7. (Original) The capless writing instrument according to Claim 5, wherein projections are formed between the cylinder bore of the inner cap and the holder's peripheral cylinder surface, at predetermined positions so as to stretch the cylinder bore of the inner cap in the direction substantially aligned with the cut direction of the slit.

8. (Original) The capless writing instrument according to Claim 5, wherein the closing portion of the inner cap is projected arch-like toward the front end opening.

9. (Previously Presented) The capless writing instrument according to Claim 1, wherein the slit is formed so that its rim is projected forward.